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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/627,223	07/27/2000	Gerald Francis McBrearty	AUS9-2000-0273-US1	1175

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EXAMINER

MAURO JR, THOMAS J

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 01/04/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/627,223

Applicant(s)

MCBREARTY ET AL.

Examiner

Thomas J. Mauro Jr.

Art Unit

2143

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 23 September 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: None.Claim(s) objected to: None.Claim(s) rejected: 1-24.Claim(s) withdrawn from consideration: None.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s).
10. ☐ Other: _____

Will C. Vang
Primary Examiner
Art Unit 2143

Continuation of 5. does NOT place the application in condition for allowance because: it does not overcome the rejection given in the previous (final) office action.

In response to Applicant's attempt to exclude the Narayanaswami reference (U.S. 6,182,113), Applicant is directed toward the interview summary (8/24/2004). To summarize, Examiner did not grant exclusion of the Narayanaswami reference because this issue was not brought up properly while prosecution was opened as it only was brought up after final. In addition, applicant was directed to file an RCE, which at that point, proper handling of the reference would occur with the prosecution re-opened.

(A) Applicant contends that Narayanaswami has two different web pages, one text-only and one with full graphics, whereas instant invention allegedly calls for a single web page which is to be downloaded in such a way which converts the page to a text-only version.

In response to argument (A), Examiner asserts the details provided in the argument are not sufficiently brought out within the claim language to have the argument read on the instant claim (claim 1). It is noted that the features upon which applicant relies (i.e., a single web page exists which can be downloaded in such a way as to convert the page to text-only) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). In addition, Examiner has noted the change from web documents to web document in the independent claims. This term, however, does not provide sufficient narrowness to mean a single version of a document. Interpreted broadly, a web document can be construed as a particular page's contents, i.e. a forecast page from weather.com. Thus, even if two pages exist, one for text and one for graphics, both contain the same web document. The only difference is the format, i.e. version, in which they are formatted. Thus, for the claim to inherit the meaning provided in the arguments section by the applicant, further narrowing is necessary. Finally, even if a limitation is added, i.e. converting the document at the receiving computer, it has been noted by the applicant that converting a page from graphics with text to text-only by a receiving computer is well-known in the art and is not novel (See Amendment B page 11 and specification page 3). During patent examination and prosecution, claims must be given their broadest reasonable interpretation. In *re Van Geuns*, 988 F.2d 1181, 1184, 26 USPQ2d 1057, 1059 (Fed. Cir. 1993); In *re Prater*, 415 F.2d 1393, 1404, 162 USPQ 541, 550 (CCPA 1969). Giving the instant claims their broadest reasonable interpretation, "web document" is broad enough to read on the separate page versions with the same content of Narayanaswami.

Furthermore, claim language, namely, "downloading the requested hypertext Web document in a hypertext mode" and "downloading said requested hypertext Web document in a text-only mode" does not adequately conform to the arguments presented. Rather, in fact, are broad enough to read on the teachings of the Narayanaswami reference due to the fact that two separate documents are downloaded, a hypertext version and a text-only version. Thus, without further limiting the claim, Narayanaswami discloses the applicant's invention as recited in claim 1.

(B) Applicant contends that Narayanaswami assigns separate bookmarks for the graphics enabled and text-only webpage, whereas claim 2 calls for a single bookmark.

In response to argument B, Examiner asserts that a single bookmark on the user's computer is made to access a given webpage. Figures 2 and 3A clearly show that multiple bookmarks are only made for different page sources, not one for a text-only version and one for a full graphics version [Narayanaswami -- Col. 5 lines 14-25 and Col. 6 lines 23-41]. As figure 3A shows, the same bookmark, in this case "WS A" is used to access both the graphics version and the text-only version of the particular weather source. Bookmark scheduler, located on the client, is responsible for providing the multiplexing functionality for the bookmarks, namely, to choose which version of the web document is downloaded [Narayanaswami -- Col. 5 lines 26-30 and lines 46-55]. Therefore, examiner accordingly demurs to this assertion as the user must only store one single bookmark to a given weather source to access both the full graphics and text-only versions of the web document from the given source.

(C) Applicant contends that Narayanaswami does not store a list defining which web documents are to be downloaded in a text-only mode, whereas, claim 7 of the applicant's invention calls for this limitation.

In response to argument C, Examiner asserts that Narayanaswami stores a list defining what version of a given web document will be downloaded for a given situation, i.e. a particular time period of the day. Thus, for example, when a user wishes to view a weather forecast from weather source A (WS A), by clicking on a Weather Source A bookmark, the system selects the proper link by comparing the present time with the schedule for downloading content from that site stored in the scheduler [Narayanaswami -- Col. 5 lines 46-55]. As shown in Figure 3A, during the morning hours (8:30 a.m. – Noon), WS A will be downloaded in full graphics version, whereas during any other time period other than Noon – 4:30 p.m., a text-only version of WS A, i.e. document, will be downloaded. In addition, instead of time of day, bandwidth can be used as criteria to select which version of the web document will be downloaded [Narayanaswami -- Col. 5 lines 64-67 – Col. 6 lines 1-9]. In light of the above remarks, Examiner demurs to the assertion that multiple bookmarks are stored, as it has been pointed out that in fact only one bookmark per source, i.e. weather source (weather.com, intellicast.com, accuweather.com) is stored, and furthermore, that it is the responsibility of the scheduler to compare the selection made to criteria to determine which version to download.